

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26673 of 2022

Arising Out of PS. Case No.-282 Year-2019 Thana- SIMRI District- Buxar

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Anish Dubey @ Awanish Dubey, Son Of Sanjay Kumar Dubey, R/O- Village-
Simri (Khaira Patti), P.S.- Simri, District- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shree Kant Pandey, Advocate

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 30-08-2022 At the outset, learned counsel for the petitioner submits that there is typographical error in paragraph no.1 as well as in the prayer portion of the bail petition where the date of the FIR has been wrongly mentioned as 20.07.2019 whereas it should be 27.09.2019.

As prayed, learned counsel is permitted to rectify the same in course of the day.

Heard learned counsel for the petitioner and learned APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in



connection with Simri P.S. Case No. 282 of 2019 (Sessions Trial No. 179 of 2021) registered for the alleged offences under Sections 307, 379, 385, 387 and 506 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner threatened the informant to withdraw the case of theft instituted against him and opened fire but the shot did not hit anyone and the petitioner took out Rs. 20,000/- from the pocket of one Dhanu Sahni and fled away from the spot leaving behind the motorcycle.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case. It is apparent from the FIR that the person, from whom the money was snatched, did not lodge the FIR. No cartridge or pellet was recovered from the place of occurrence and so the story of opening fire is falsified. No one received any injury. There is old enmity between the petitioner's side and informant's side and a number of cases have been instituted between them. The petitioner is in custody since 25.05.2021 and charge-sheet has been submitted in this case.

Learned APP opposes the prayer for bail



submitting that there is allegation against the petitioner that he opened fire and snatched money from the friend of the informant.

Having regard to the submissions made hereinabove and considering the fact that no one got hurt and there is lack of material against the petitioner as it appears from the FIR and further considering the submission of charge-sheet along with his period of custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-Ixth, Buxar, in connection with Sessions Trial No. 179 of 2021 arising out of Simri P.S. Case No. 282 of 2019, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) The bail bond of the petitioner will be accepted only after framing of charge, if not already framed.
- (ii) One of the bailors will be the deponent, who has sworn the affidavit.



(iii) The petitioner will remain present on each and every date fixed by the court below.

(iv) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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